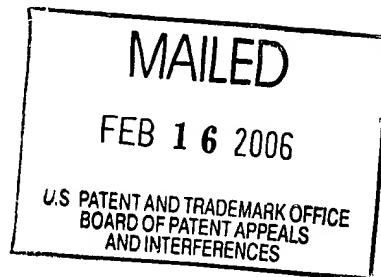


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte KEN HARRIS

Application No. 09/692,075



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on January 25, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On July 6, 2005, appellant filed an Appeal Brief. A review of the Appendix to the Brief reveals that appellant has not included a clean copy of claim 26. In addition, subparagraphs (a) through (f) of claims 28 and 29 have been improperly identified as (g) through (l).

Subsequently, the examiner mailed an Examiner's Answer on September 20, 2005. On page 2, section (8) of the Answer, the examiner includes the required heading of "Evidence Relied Upon"

but fails to list under that heading the prior art applied in the rejection of claims on appeal.

Accordingly, it is

ORDERED that the application is returned to the examiner to:

(1) notify appellant to submit a corrected Appendix to the Brief, or for the examiner to submit a clean copy of claim 26 and correct copies of claims 28 and 29;

(2) to submit a Supplemental Examiner's Answer listing under the heading "Evidence Relied Upon" the prior art applied in the rejection of claims on appeal; and

(3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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